



# CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance & Litigation



Biweekly Report - Period Ending December 7, 1996

## **North Florida Shipyard, Inc. v. DOC**

This week, the Appellant filed notice of an appeal of the Contracting Officer's Final Decision in the administration of a ship repair contract. The Rule 4 File is due on January 3, 1997. We are trying to reschedule the first conference call with the Judge. EASC has advised that the COTR, Billy Tew will be leaving the Government on December 20. Catherine Shea and Ken Lechter have the case.

## **Metro Monitoring Services, Inc. v. DOC—GAO B-274236**

GAO has sustained the protest in this procurement for weather observation services for the National Weather Service. Although the protest filed by the protestor dealt with a conflict of interest issue, GAO independently found that the Procurement Integrity Certificate submitted by the low bidder was defective and therefore the bid was non-responsive. GAO recommended that award go the protestor and the agency pay the protestor's costs. Lisa J. Obayashi handled the case.

## **NOAA Damage Assessment Restoration Center**

Mark Langstein completed his review of two multiple award contracts to provide litigation support and scien-

tific and economic consulting services to NOAA's Damage Assessment Restoration Center. The awards are now awaiting Diana Josephson's approval.

## **American Combustion Industries, Inc. v. DOC**

We have just been served with a supplemental protest in this GAO protest arising out of a procurement by NIST for two large boilers and a structure to house the boilers. As a result of this filing, the hearing, tentatively scheduled for December 5, 1996, has been postponed. In lieu of the hearing, a status conference will be held on that date in order to reschedule the hearing, determine the issues to be presented, and resolve how the supplemental protest will be treated. Ken Lechter is it.

## **Comint Systems Corporation v. DOC, GAO B-274853**

Protestor claims that PTO acted in bad faith, violated SBA regulations, and improperly awarded an 8(a) contract for computer hardware and software support at the PTO. Protestor alleges that the Government had an obligation to give it the opportunity to participate in the process. The Government contends that the awardee was an incumbent 8(a) contractor, and the regulations do not impose such an obligation. The awardee has intervened. Ken Lechter has this one too.

## **Franchise Awards**

We are attempting to work with GSA counsel, the WASC Contracting Officer and the FEDSIM program office to determine and resolve any issues of incremental funding raised by this proposed § 8(a) contract for FEDSIM. Mark Langstein is advising.

## **Federal Builders, LLC v. DOC**

After a fact-finding trip to Duluth, Minnesota, where the Weather Forecast Office in dispute is located, Cecilia Jones is taking a closer look at Appellant's claim involving installation of utility lines that were incorrectly depicted on a Government guidance drawing.

## **New Bid Protest Jurisdiction**

Bid protests were again in the forefront in the waning hours of the 104th Congress. The U. S. Court of Federal Claims and the U. S. District courts were given the authority to hear both pre and post-award bid protests as part of The Administrative Dispute Resolution Act of 1996. §12 Public Law No. 104-320. This new authority begins on December 31, 1996. We'll have more in a *Lawyer's View*, but in the meantime—Happy New Year.

### **Actions Completed/Received during Period**

	From 11/24/96	To 12/7/96
	Received	Completed
CENSUS	1	1
Franchis	0	1
NIST	3	4
NOAA	3	8
O/S	0	1
PTO	0	1
Total	7	16

### **Contract Law Division—Client Workload Period Ending 12/07/96**

